

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
03-CR-169A

CHRISTOPHER ROBINSON,

Defendant.

On October 29, 2007, following an evidentiary hearing, the Court issued an oral decision finding that the defendant Christopher Robinson violated the terms of his supervised release. The Court further found, on its own motion, pursuant to 18 U.S.C. § 4244(a), that the defendant may presently be suffering from mental disease or defect for the treatment of which he is in need of custody for care and treatment in a suitable facility. Pursuant to 18 U.S.C. § 4244(b), the Court ordered that the defendant receive a psychological or psychiatric examination and that a report of the results of such examination be prepared and submitted to the Court. An order to that effect was issued on October 31, 2007.

On February 8, 2008, the Court received via facsimile a Forensic Evaluation of the defendant from Dr. Jorge Luis, a forensic psychologist at the Federal Detention Center in Miami, Florida ("FDC-Miami"). The Evaluation concludes that the defendant suffers from a mental disease or condition, *i.e.*,

Schizophrenia, Undifferentiated Type, continuous, and that he should be transferred as soon as possible to a federal medical prison for treatment.

After receiving the Evaluation, the Court met with counsel for the parties. The Court provided counsel with a copy of the Evaluation and scheduled a report back date of February 14, 2008. Defense counsel was instructed to contact the defendant and discuss with him whether he wanted to waive his right to a hearing under 18 U.S.C. §§ 4244(c) and 4247(d).

Following the meeting with counsel, the Court was contacted by telephone by Dr. Luis and the Warden of the FDC-Miami. They informed the Court that the defendant's condition has worsened and that he is in need of immediate treatment.

Based on Dr. Luis' Evaluation and the current exigent circumstances, the Court makes a provisional finding, by a preponderance of the evidence, that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care and treatment. Accordingly, pursuant to 18 U.S.C. § 4244(d), the Court hereby commits the defendant to the custody of the Attorney General and orders that he be hospitalized for care and treatment as soon as possible in a suitable facility.

Counsel shall appear on February 14, 2008, at 9:00 a.m., to report back on whether the defendant requests a further hearing or waives his right to a hearing.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: February 8, 2008